

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

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EMS TRANSMISSION
Instruction Memorandum No. 2001-
Expires: 9/30/02

To: All Washington Office and Field Officials

From: Director

Subject: Policy for Entry of BLM Personnel onto Sites with Unknown, Potential, or Known Hazardous Substance Releases

Program Area: Protection and Response, Field Operations Safety

Purpose: This Instruction Memorandum (IM) provides guidance for BLM employees who: (1) encounter sites with unknown hazards; and (2) enter sites with potential or known hazards for specific purposes within their job responsibilities.

This guidance applies to all BLM employees, including employees who may not normally think of themselves as involved with hazardous substances, such as mining, oil and gas (including drilling operations), and realty staff. For law enforcement officers, this policy supplements Law Enforcement General Order 34, Hazardous Materials, by formalizing requirements already identified in that Order. Finally, this policy applies to volunteers authorized by BLM to enter areas of archaeological significance, or other BLM-managed lands for other purposes. The goal of this policy is to protect the health and safety of all BLM employees, and minimize potential liability for BLM.

This policy does not apply to BLM employees who enter active industrial operations that are permitted or authorized to be on public lands, and which are in compliance with environmental and safety regulations of other agencies. For example, active above ground and underground mines are subject to the regulations and standards enforced by the Mine Safety and Health Administration (MSHA). Oil and gas surface operations and facilities on rights of way (e.g., power plants) are subject to the regulations and standards enforced by the Occupational Safety and Health Administration (OSHA).

Policy and Direction for Sites with Unknown Hazards: BLM employees that discover any unauthorized waste dump or spill site that contains indicators of potential hazardous substances (e.g., containers of unknown substances, pools of unidentifiable liquids, piles of unknown solid materials, unusual odors, or any materials out of place or not associated with an authorized activity) should take the following precautions:

1. Treat each site as if it contains harmful materials;
2. Do not handle, move, or open any containers, breathe vapors, or make contact with any material;
3. Move a safe distance upwind from the site; and
4. Contact the appropriate personnel as outlined in the Field Office/Resource Area Hazardous Materials Incident Contingency Plan for further guidance.

Policy and Direction for Sites with Known or Potential Release of Hazardous Substances: This IM establishes conditions under which it is permissible for a BLM employee to enter known or potential hazardous substance release sites for specific purposes within the scope of their job responsibilities (see Attachment 1 for definition of hazardous substance release site). BLM believes that there may be situations when it is necessary for a qualified employee to enter certain hazardous substance sites, such as for inspections required under permit and lease agreements, monitoring and oversight of contracts, and other official duties as specifically authorized. However, **it is BLM's policy to prohibit employees from entering any site with hazardous substances present if the following three safety conditions have not been satisfied.**

1. Health and Safety Plan

A site-specific Health and Safety Plan (HASP) must be prepared before an employee can go on-site in order to comply with Departmental Manual, 1112-1 Safety, Chapter 26, and with 29 CFR 1910.120, the Occupational Safety and Health Administration's (OSHA's) Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations. An outcome of the HASP is that a level of protection is assigned to the site/job task. This assessment allows employees and supervisors to use management controls and protective equipment to reduce risk to an acceptable level.

2. Personnel Qualifications and Training

In general, most field employees encounter situations that require Level D personal protection only. In some situations, however, BLM employees enter sites requiring Level C personal protective equipment. In order to enter sites that require any level of protection, certain health

and safety requirements must be met, including training and medical monitoring. Specifically, employees must meet all requirements of 29 CFR 1910.120, (i.e., the HAZWOPER regulations), or 40 CFR 311.1, the National Contingency Plan (NCP). In addition, as required in 29 CFR 1960.55, supervisors should also receive

general health and safety training for managers to ensure that they are familiar with the hazards potentially encountered by employees in the field.

3. State Roster of Employees Authorized to Enter Hazardous Substance Release Sites

This IM establishes a system of State Rosters that list the names of those employees who have met the conditions for entering a site with known or potential hazardous substance releases. These Rosters will be maintained by the State or Center Directors, or their designees (e.g., State Hazardous Materials Coordinators or State Safety Officers), and will be updated annually. State Directors will approve the risk level(s) appropriate for each employee (see Attachment 2 for Standard Levels of Protection). For risk levels C and D, approval may be delegated by the State Director to the appropriate District or Field Office Manager.

In addition, the Roster will identify health and safety training courses completed (including the dates), and indicate that authorization to enter a hazardous substance release site is included in each employee's position description.

Questions or comments concerning this policy should be directed to Andrea McLaughlin, Protection and Response Group, at 202-452-7717.

Attachments

- 1 - Definitions (2 pp)
- 2 - EPA Standard Levels of Protection (2 pp)

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Definitions

1. The term “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or contaminant) (National Contingency Plan, 40 CFR 300.5). **Any disposal of hazardous wastes on the public lands becomes, by definition, a hazardous substance release.**
2. The term “hazardous substance” is defined in the Hazardous Waste Operations and Emergency Response regulations (29 CFR 1910.120) as:
 - Any substance defined under Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), also known as Superfund;
 - Any biologic agent and other disease causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring;
 - Any substance listed by the U.S. Department of Transportation as hazardous materials under 49 CFR 172.101; and
 - Hazardous wastes as defined in Department of Transportation regulations at 49 CFR 171.8, and regulations implementing the Resource Conservation and Recovery Act (RCRA) at 40 CFR 261.3.
3. For the purpose of this IM, a hazardous substance release site is defined as:
 - A location which has been reported to the appropriate authority, including the Coast Guard (hotline), the Environmental Protection Agency (EPA), or to a State agency with competent jurisdiction, or has been entered into the Comprehensive Response, Compensation and Liability Information System (CERCLIS), or placed on the Federal Facilities Docket;

- A site where conditions require either Level A, B, C, or D protection in accordance with the EPA standard levels of protection (Attachment 2); or

A site which has not been reported, assessed or investigated, but where past or present land uses or conditions or apparent evidence indicate that a response is warranted under Sections 104 or 106 of CERCLA. When in doubt, assume the worst case until additional information becomes available.

EPA Standard Levels of Protection

Level A

1. One or more hazardous substances have been identified and the highest level of protection for skin, eyes and the respiratory system is required due to either the measured (or potential for) high concentrations of atmospheric vapors, gases or particulates, or the site operations and work functions involve a high potential for splash, immersion or exposure to unexpected vapors, gases or particulates of materials that are harmful to skin or capable of being absorbed through the skin;
2. Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or
3. Operations are being conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A protection have not been determined.

Level B

1. The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;
2. The atmosphere contains less than 19.5 percent oxygen; or
3. The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the skin.

Level C

1. The atmospheric contaminants, liquid splashes or other direct contact will not adversely affect or be absorbed through any exposed skin;
2. The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and
3. All criteria for the use of air-purifying respirators are met.

Level D

1. The atmosphere contains no known hazard; and
2. Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.